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MINISTRY OF LAW

NOTIFICATION

New Delhi, the 18th June 1957

S.R.O 1993-A.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government, after consulting the Election Commission, hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, namely:—

In the said Rules:—

(1) after rule 41, the following rules shall be inserted, namely:—

"41A. Voting by marking the ballot paper.—(1) The Election Commission may, at any time after the notification calling upon a Parliamentary or assembly constituency to elect a member or members has been issued, but not later than the last date for the withdrawal of candidature at such election appointed under clause (c) of section 30, direct by notification in the Official Gazette that the method of voting by marking the ballot paper shall be followed in that election at such polling station or stations as may be specified in the notification.

(2) Every such polling station shall hereafter in these rules be referred to as a notified polling station.

41B. Arrangements for secrecy of voting.—Each notified polling station shall be furnished with such number of polling compartments in which electors can record their votes screened from observation as the returning officer thinks necessary.

41C. Ballot papers and other materials to be provided at a notified polling station.—The returning officer shall provide at each notified polling station—

- (a) as many ballot boxes as may be necessary;
- (b) a sufficient number of ballot papers and copies of the relevant part of the electoral roll in respect of the polling area the electors whereof are entitled to vote at that polling station;
- (c) instruments for stamping the distinguishing mark, if any, on ballot papers; and
- (d) materials sufficient for the purpose of enabling electors to mark the ballot papers.

41D. *Inspection of ballot box before commencement of the poll.*—The presiding officer at each notified polling station shall, immediately before the commencement of the poll, allow the candidates and their agents who may be present at such station to inspect each ballot box to be used at the poll and demonstrate to them that it is empty

41E. *Ballot papers.*—(1) Every ballot paper shall be in form 16A and the particulars therein shall be printed in such language or languages as the Election Commission may direct.

(2) The ballot paper shall contain the names of the candidates in the order in which they appear in the list of contesting candidates in form 7A

(3) If two or more candidates bear the same name they shall be distinguished by the addition of their occupation or residence or in some other manner

(4) The ballot papers shall be serially numbered, the serial number being printed or written on the back of the ballot paper

41F. *Placing of ballot boxes for receipt of ballot papers.*—Every ballot box shall be placed for the receipt of ballot papers in the view of the presiding officer, the candidates and their agents

41G. (1) The elector on receiving the ballot paper shall forthwith proceed to one of the polling compartments and there make a mark on the ballot paper opposite the name of the candidate or each of the candidates for whom he intends to vote, in accordance with the instructions set out in the ballot paper and fold it so as to conceal his vote, and after showing to the presiding officer the distinguishing mark on the ballot paper insert the ballot paper so folded into the ballot box in the presence of the presiding officer

(2) Every elector shall vote without undue delay and shall quit the polling station as soon as he has inserted his ballot paper into the ballot box

(3) No elector shall be allowed to enter a polling compartment when another elector is inside it

41H. *Instructions for recording votes to be explained by the presiding officer when requested.*—The presiding officer at a notified polling station shall, when he is so requested by an elector, explain to him the instructions contained on the ballot paper for the recording of votes

41I. *Recording of votes of illiterate and infirm electors.*—(1) If owing to illiteracy or blindness or other physical infirmity, an elector is unable to read the ballot paper or make a mark thereon, the presiding officer shall record the vote in the ballot paper in accordance with the wishes of the elector and fold it up so as to conceal the vote

(2) The elector shall then himself or with the assistance of the presiding officer insert the ballot paper into the ballot box

(3) While acting under this rule the presiding officer shall observe as much secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

41J. *Application of certain rules to elections at notified polling stations.*—The provisions of rules 17 to 41 [except sub-rules (2) and (3) of rule 20, rule 21, sub-rules (1), (2), (3) and (8) of rule 23, and rules 28 and 32] shall, so far as may be, apply in relation to an election at a notified polling station as they apply in relation to an election at any other polling station under this Chapter.”;

(2) in rule 56, in sub-rule (1), in sub-clause (ii) of clause (g) the words ‘where the ballot box has been used at a polling station other than a notified polling station’ shall be inserted at the beginning,

(3) in rule 57,—

(a) after sub-rule (2), the following sub-rules shall be inserted, namely —

“(2A) The returning officer shall also reject a ballot paper used at a notified polling station—

(a) if votes are given on it in favour of more candidates than there are members to be elected, or

(b) if no vote is recorded thereon.

(2B) A vote recorded on a ballot paper used at a notified polling station shall be rejected if the mark indicating the vote is placed on the ballot paper in such a manner as to make it doubtful to which candidate the vote has been given:

Provided that where an elector has more votes than one and his ballot paper has not been rejected under sub-rule (2) or sub-rule (2A), the vote or votes other than the rejected vote shall be duly counted.”;

(b) in sub-rule (3), after the words ‘an elector’ the words ‘at a polling station other than a notified polling station’ shall be inserted;

(c) in sub-rule (4), for the words, brackets and figure ‘or sub-rule (3)’ the words, brackets, figures and letters ‘sub-rule (2A) or sub-rule (3) or any vote recorded on a ballot paper under sub-rule (2B)’ shall be substituted;

(d) for sub-rule (6), the following sub-rule shall be substituted, namely:—

“(6) All ballot papers used at notified polling stations which are rejected under this rule shall be kept in a separate packet and all ballot papers in respect of each candidate used at other polling stations which are rejected under this rule shall also be kept in a separate packet.”;

(4) in rule 58,—

(a) in sub-rule (1), after the words ‘ballot paper’ the words ‘or, as the case may be, every vote’ shall be inserted;

(b) in sub-rule (3) after the words ‘ballot papers’ the words ‘or, as the case may be, of votes recorded on ballot papers,’ shall be inserted;

(c) in sub-rule (4), after the words ‘each ballot box’ the words ‘used at a polling station other than a notified polling station’ shall be inserted;

(d) after sub-rule (5), the following sub-rule shall be inserted, namely:—

“(5A) After all the valid votes recorded on ballot papers used at each of the notified polling stations have been counted, the ballot papers shall be placed in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—

(a) the name of the constituency;

(b) the particulars of each of the notified polling stations where the ballot papers have been used;

(c) the names of the candidates;

(d) the date of the poll at each such polling station; and

(e) the date of counting.”

(e) in sub-rule (6), after the word, brackets and figure ‘sub-rule (5)’ the words, brackets, figure and letter ‘or, as the case may be, in sub-rule (5A)’ shall be inserted;

(5) in Schedule I, after Form 16, the following form shall be inserted, namely:—

FORM 16A

Ballot Paper

(To be used at a notified polling station)

(See rule 41E)

Election

FRONT

to the*.....
from the.....Constituency.

Serial No. of candidate	Name of candidate	Candidate's party affiliation, if any	Name and facsimile of symbol allotted to the candidate	Mark
1	2	3	4	5
1				
2				
3				
4				

** [The candidates whose names are marked with / are members of the scheduled castes and the candidates whose names are marked // are members of the scheduled tribes.]

N.B.—Please see instructions on the back.

* Appropriate particulars of the election to be inserted here.

** Omit the words marked [] as necessary.

BACK

Instructions

1. Before recording your vote read carefully the following instructions.
2. The number of member(s) to be elected is.....
3. You have.....vote(s).
4. You must not place the mark(s) opposite the name(s) of more than..... candidate(s). If you do, your vote(s) will be rejected.
5. Place a mark opposite the name of the candidate/each of the candidates for whom you wish to vote.
6. The mark should be so placed as to indicate clearly and beyond doubt to which candidate you are giving your vote. If the mark is so placed as to make it doubtful to which candidate you have given the vote, that vote will be invalid.
7. You must not put your signature on the ballot paper or make any other mark on it which will reveal your identity. If you do, your ballot paper will be rejected.

[No. F.7(22)/57-Elections.]

K. V. K. SUNDARAM, Secy.